

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

DAVID TYRON JONES,

Plaintiff,

v.

No. 1:13-cv-01180-JDT-egb

WESTERN MENTAL HEALTH, and
KIM TAYLOR,

Defendants.

REPORT AND RECOMMENDATION

On or about June 12, 2013, Plaintiff David Tyron Jones, a resident of Bolivar, Tennessee, filed a *pro se* complaint pursuant to 42 U.S.C. § 1983. (D.E. 1). On June 25, 2013 the Court granted Plaintiff's Motion for Leave to Proceed *in forma pauperis*. This case has been referred to the United States Magistrate Judge for management and for all pretrial matters for determination and/or report and recommendation as appropriate.

On October 25, 2013, this Court ordered the *pro se* Plaintiff to submit, within 14 days, further information regarding Kim Taylor's relationship to the Defendant. The Court also allowed the Plaintiff, at his option, to submit an Amended Complaint that clarifies and provides more information on his claim. The Court cautioned that "[a] failure to respond to this order within the time specified

will result in dismissal of this action without prejudice." (D.E. 8) That Order was returned as undeliverable to the Clerk's office on November 4, 2013. Previous mailings to the *pro se* Plaintiff have also been returned to the Clerk's office as undeliverable. (D.E.s 5 and 7)

In his Order granting the *pro se* Plaintiff's Motion to proceed *in forma pauperis*, Judge James D. Todd ordered the Plaintiff to "promptly notify the Clerk, in writing, of any change of address. Failure to comply with this requirement, or any other order of the Court, may result in the dismissal of this case without further notice." (D.E. 4) That Order was subsequently returned as undeliverable. (D.E. 5) The Plaintiff later wrote to the Court with a new address and the Clerk re-mailed him the Order, which was not returned. (D.E. 6)

It appears to the undersigned that the *pro se* Plaintiff was fully aware of the Court's Order to update the Clerk with his new address, should he have one. Having not done so, it is the report and recommendation of this Magistrate Judge that the Plaintiff has decided not to prosecute this case and this case should be dismissed in accordance with Rule 41 of the Federal Rules of Civil Procedure.

Respectfully submitted,

s/Edward G. Bryant

EDWARD G. BRYANT

UNITED STATES MAGISTRATE

JUDGE

Date: November 15, 2013

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT AND RECOMMENDATIONS MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT AND RECOMMENDATIONS. 28 U.S.C. § 636(b)(1). FAILURE TO FILE THEM WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.